

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT COURT OF OKLAHOMA

FILED

FEB 24 2009

Phil Lombardi, Clerk
U.S. DISTRICT COURT

STATE OF OKLAHOMA, *et al.*,

Plaintiffs,

v.

TYSON FOODS, INC., *et al.*,

Defendants.

Case No. 4:05-CV-329-GKF-PJC

**MOTION OF THE COUNCIL OF AMERICAN SURVEY RESEARCH ORGANIZATIONS,
INC. AND THE AMERICAN ASSOCIATION OF PUBLIC OPINION RESEARCH FOR
LEAVE TO FILE A BRIEF AS AMICI CURIAE IN SUPPORT OF PLAINTIFF'S MOTION
FOR PROTECTIVE ORDER**

The Council of American Survey Research Organizations, Inc. ("CASRO") and the American Association for Public Opinion Research ("AAPOR") hereby move for leave to file a brief as amici curiae in support of the plaintiff's motion for a protective order to protect the identities of respondents and any respondent identifiable information. The proposed amicus brief is filed concurrently as an appendix to this motion.

I. CASRO.

CASRO is a not-for-profit trade association representing over three hundred (300) United States survey research companies engaged in professional survey research regarding a wide variety of technical, scientific, economic, and other public and private issues. CASRO's members are in aggregate responsible for the overwhelming majority of the survey research conducted each year in the United States. Two of CASRO's principal purposes are (1) to promote the establishment, maintenance, and strict observance of professional and ethical standards in survey research and (2) to protect the privacy interests of those who volunteer to participate in survey research activities. These principles reflect the social utility of survey research and our need to protect this valuable resource.

II. AAPOR.

AAPOR is a leading professional organization of public opinion and survey research professionals in the United States, consisting of seven (7) chapters, with members from academia, media, government, the non-profit sector and private industry. AAPOR's members embrace the principle that public opinion research is essential to a healthy democracy, providing information crucial to informed policymaking and giving voice to the nation's beliefs, attitudes and desires. Two of AAPOR's principal purposes are (1) to promote the establishment, maintenance, and strict observance of high ethical and professional standards in survey and public opinion research and (2) to protect the privacy interests of respondents.

III. INTERESTS OF AMICI CURIAE

This case is of significant importance to CASRO and AAPOR as the leading representatives of the United States survey and public opinion research industry. Both CASRO and AAPOR have established industry codes, guidelines and principles pertaining to, among other things, the protection of the identities of respondents and of respondent identifiable information. These protections are an essential prerequisite to reliable and accurate survey and public opinion research. Survey and public opinion research contributes significantly to the public interest by assisting the analyses of a wide variety of technical, scientific, economic, sociological, psychological, and political issues. In short, survey and public opinion research is the lifeblood of this information age.

As leading representatives of the United States survey and public opinion research industry, CASRO and AAPOR have direct and unique interests in articulating the strong need for preserving the confidentiality of survey data that would reveal the identity of individual respondents. CASRO and AAPOR bring a specialized perspective to the potentially far reaching impact of this Court's decision, and have an important, independent contribution to make to the analysis of the issues presented to this Court.

For the foregoing reasons, CASRO and AAPOR respectfully request that this Court grant this motion to file a brief as amici curiae.

Dated: February 23, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Duane L. Berlin', with a long horizontal flourish extending to the right.

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2009, I served a true and correct copy of this Motion in Support of Plaintiff's Motion for a Protective Order on the Clerk of Court for filing and a copy of this Motion in Support of Plaintiff's Motion for a Protective Order on the following:

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